

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, THE  
EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF  
PUERTO RICO, AND THE PUERTO RICO PUBLIC  
BUILDINGS AUTHORITY,

Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**RESPONSE OF THE GOVERNMENT PARTIES TO THE COURT'S ORDER  
GRANTING MOTION TO SEAL FOR LIMITED DURATION AND FOR  
SUPPLEMENTAL BRIEFING**

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**To the Honorable United States District Court Judge Laura Taylor Swain:**

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth and ERS, the “Debtors”), pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF,” and together with the Oversight Board, the “Government Parties”) respectfully submit this brief in response to the Court’s *Order Granting Motion to Seal for Limited Duration and for Supplemental Briefing* [ECF No. 18902] (the “Order”). In response to the Order, the Government Parties respectfully state as follows:

1. On October 28, 2021, the Debtors filed the *Urgent Motion of the Debtors, by and through the Financial Oversight and Management Board for Puerto Rico, to File Certain Exhibits Under Seal in Connection with its Amended Exhibit List* [ECF No. 18891] (the “Motion to Seal”).

2. In the Motion to Seal, the Debtors sought to file under seal certain Confidential Exhibits because they were deemed “Confidential” under the terms of the Protective Order when they were produced to the Plan Depository.<sup>3</sup>

3. On October 29, 2021, the Court entered the Order, allowing the Debtors to file the Confidential Exhibits under seal for limited duration. The Order noted that the Motion to Seal “does not include sufficient information to justify the sealing of the Confidential Exhibits” and

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

<sup>3</sup> Capitalized terms not defined herein shall have the meaning ascribed to them in the Motion to Seal.

directed any party to file a brief justifying their continued sealing by November 2, 2021. Order at 1-2.

4. Upon further review, the Government Parties do not object to the public filing of the Confidential Exhibits. The Debtors will publicly file the Confidential Exhibits and redact personally identifying information as required by Federal Rule of Bankruptcy Procedure 9037.

5. **WHEREFORE**, the Government Parties respectfully request that this Court direct public filing of the Confidential Exhibits with redactions made pursuant to Federal Rule of Bankruptcy Procedure 9037.

*[Remainder of page intentionally left blank]*

Dated: November 2, 2021  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Margaret A. Dale

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer  
Hermann D. Bauer